

Harster

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-221831.2 DATE: June 25, 1986
MASTER OF: Master Security, Inc.--Reconsideration

DIGEST:

Request for reconsideration is denied where protester does not demonstrate that the decision was legally or factually incorrect.

Master Security, Inc. (Master), requests reconsideration of our decision in Master Security, Inc., B-221831, May 9, 1986, 86-1 CPD ___, involving General Services Administration (GSA) request for proposals (RFP) No. GS-11C-50068. In the decision, we held that the source selection official (SSO) was not bound by the Source Evaluation Board's (Board) recommendation that Master receive the award. The SSO determined that the proposed awardee's technical proposal was essentially equal to Master's higher-ranked technical proposal. Because of this, price became the determinative factor in making the award. Master submitted the higher-priced proposal by \$2 million.

First, Master asserts that the "essentially equal" determination made by the source selection official was irrational because of Master's 6-year proven track record in performing this type of contract. Second, Master argues that communications between it and the contracting agency indicated the agency's acceptance of the Master proposal for award was clear, unequivocal, and unconditional.

Regarding the "essentially equal" determination, the Board ranked all the technical proposals on several technical factors in the RFP that assigned past experience a weight of 40 percent of those factors. Master's proposal was ranked 8 percentage points higher than the awardee's. Our prior decision specifically concluded that the point differential per se was not significant and that the source selection official could rationally determine the rankings given Master and the proposed awardee by the Board to be essentially equal, notwithstanding any slight technical point score advantage attributable to Master's prior experience.

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As for the second issue, Master's original protest recognized that the award was not to be made until its financial responsibility had been determined, followed by GSA's contract clearance of the Board's recommendations and the SSO's determination of an awardee. Although Master alleges that its financial responsibility had been approved, Master admitted that the proper contract clearance had not been obtained when the agency told Master that another offeror was being considered for the award. Therefore, as stated in our prior decision, Master had no basis to conclude an award had been made.

Accordingly, we find that the matters raised by Master in its request for reconsideration were clearly considered in reaching our original decision, and while Master disagrees with our conclusions, it has not offered any basis warranting reconsideration.

The request for reconsideration is denied.

for Seymour G. Givens
Harry R. Van Cleve
General Counsel